

FILED IN EAST LYME
May 19, 2003 AT *12:15* *P*
J.A. Blais
EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
REGULAR MEETING
MAY 15, 2003
MINUTES**

The East Lyme Zoning Commission held a REGULAR MEETING on Thursday MAY 15, 2003 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

Mr. Mark Nickerson, Chairman, opened the Regular meeting, at 9:34 PM following the Public Hearing.

PRESENT: Mark Nickerson, Norman Peck, Shawn McLaughlin, Ed Gada, David Chamberlain and Robert Bulmer, Alternates Marc Salerno and William Dwyer.

Also present: William Mulholland, Zoning Official

PANEL: Mr. Nickerson, Mr. Peck, Mr. Chamberlain, Mr. McLaughlin, Mr. Gada, and Mr. Bulmer.

Pledge of allegiance

Public Delegation – none

REGULAR MEETING

Mr. Nickerson thanked the public for their cooperation and testimony during the preceding Public Hearing. Mr. Nickerson recommended reversing item #1-Acceptance of the Minutes and #2 Application of Frances L. Mattison and the Commission concurred.

1. Application of Frances L. Mattison for a Special Permit to keep farm animals at 208 Old Black Point Rd., Niantic, CT.

Mr. Nickerson stated that no further testimony or evidence could be taken as the Public Hearing had been closed.

Mr. Chamberlain stated his concern with respect to the location of the shed to house the animals and recommended that since the applicant had significant property that the shed be moved farther from the Black Point area on the applicant's property. He also noted that a petition with 50 names had been submitted in opposition to the application.

Mr. Mulholland noted and read for the record relevant portions of Section 4 – RU40; Section 4.2 Special Permit Uses (4.2.3 Agriculture) Sections 25.2, 25.4.2 and 25.5 and Section 24. He noted the property consisted of 4.53 acres and the 12' x 16' x 10' shed with a small outdoor pen is a minimum of 100 feet from the property lines.

Mr. Peck inquired if therefore, the plan complies with the Regulations. Mr. Mulholland responded that it essentially does comply with the Regulations, however, the Commission can impose conditions or credit or waive the existing vegetation requirements.

Mr. McLaughlin stated that there is an existing natural buffer and testimony has indicated that it consists of older trees and shrubs. Mr. Mulholland stated that there has been testimony to that fact, however, if the Commission so chooses, it can continue the Public Hearing and visit the site. Mr. Nickerson noted that the 100-foot buffer is in its natural cut and per testimony is not clear cut.

Mr. Mulholland stated that the topography and wetlands on the applicant's property dictate the site of the shed and pen area due to wetlands on the property.

Mr. Bulmer added that the animals could not be placed near the wetlands areas and that the applicant testified that for the welfare of the animals, they cannot be located in a wet or damp area.

Mr. Nickerson noted that the proposal is a permitted use and conforms to the Regulations. He inquired if any member of the Commission wished to continue the Hearing and visit the site. Mr. Gada and Mr. Chamberlain stated they would, however, Mr. Bulmer, Mr. Peck and Mr. McLaughlin stated that they had no need to do so.

Mr. Peck stated that the proposal complies with the Regulations, and the use shall be no more objectionable than a permitted use, such as a greenhouse, which requires no Public Hearing. In his opinion, a greenhouse might be considered more objectionable. He added that odor would not be a problem with the size and number of the animals. He recommended elimination of the rooster if noise was a major concern. He noted that Mrs. Mattison had testified that she would be willing to forego the rooster if necessary.

Mr. Peck also stated that in his opinion, this use would not impair the value of area property.

Mr. Gada recommended a trial period for the rooster and that if noise was objectionable, the applicant could be required to remove the animal.

MOTION (1): Mr. Peck moved to approve the application of Frances L. Mattison for a Special Permit to keep farm animals at 208 Old Black Point Rd., Niantic, CT.(Assessor's Map 5.18, Lot 25) with waivers of Section 24.7 for sidewalks and Section 24.6-c and 24.6-e2 and 24.6-e3, front landscaping and buffers.

Additionally, after documented complaints with respect to noise, the Zoning Official may request that the applicant remove the rooster from the property.

DISCUSSION:

Mr. McLaughlin added that a rooster of this size would be no noisier than a dog barking. Mr. Peck agreed personally, but indicated that with the elimination of the rooster, and with no detriment to the applicant per her testimony, neighbors who find crowing objectionable would not be subjected to it.

Mr. Peck amended his motion such that if after documented complaint of noise, the Zoning Official may require removal of the rooster from the property.

Mr. Bulmer stated that in his opinion, a trial period for the rooster was cumbersome.

Mr. Bulmer moved to require the applicant to construct an architectural fence as a visual screen. There was no second to the motion.

Mr. Mulholland read Section 20.21 of the East Lyme Zoning Regulations and noted that there is an appeals period and process.

Motion (1) seconded by Mr. Chamberlain.
Vote in favor of **Motion (1)**: (6-0), Unanimous
Effective upon publication.

2. Approval of the Minutes

MOTION (2): Mr. Nickerson moved to approve the Minutes of May 1, 2003 as amended: page 3 of 8, 3rd sentence shall read: "Mr. Peck stated that Mrs. Parulis, Town Planner, had stated to him that the purpose was to encourage Affordable Housing throughout the town."

Mr. Bulmer seconded the motion.

Vote in favor: (6-0), Unanimous.

NEW BUSINESS

1

MOTION (3): Mr. Nickerson moved to add to the agenda application of Bonnie Anthony, Pfizer Central Research proposed amendment to the East Lyme Zoning Regulations, Section 11 by adding Section 11.2.9 Private School (including dog training facility).

Mr. McLaughlin seconded the motion.

Vote in favor: (6-0), Unanimous

Mr. Nickerson requested that Mr. Mulholland schedule a public hearing on the application of Bonnie Anthony, Pfizer Central Research proposed amendment to the East Lyme Zoning Regulations, Section 11 by adding Section 11.2.9 Private School (including dog training facility).

OLD BUSINESS

1 Election of Alternate

The Commission members agreed on a Special Meeting for the purpose of electing an Alternate on Monday, May 19, 2003 at 6:00 PM at the Town Hall.

2. Adjournment

MOTION (4): Mr. Gada moved to adjourn the meeting at 10:25 PM

Mr. McLaughlin seconded the motion.

Vote in favor: (6-0), Unanimous

Respectfully submitted,



Anita M. Bennett
Recording Secretary
16 May 2003